

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Almonzo Lowery,)	C/A No. 0:10-920-JFA-PJG
)	
Plaintiff,)	
v.)	ORDER
)	
Cpl. McWhite; and Sgt. Winn,)	
)	
Defendants.)	
_____)	

The *pro se* plaintiff, Almonzo Lowery, initiated this action pursuant to 42 U.S.C. § 1983 alleging that while he was a pretrial detainee, the defendants subjected him to unlawful taunting concerning his sexual preferences. He seeks compensatory damages.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein she suggests that this court should summarily dismiss the complaint under 28 U.S.C. § 1915 because the abusive language which the plaintiff complains of is not a basis for a civil rights action and thus not actionable under §1983. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

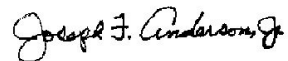
The plaintiff was advised of his right to file objections to the Report and Recommendation which was entered on the docket on May 6, 2010. The plaintiff did not file

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

any objections to the Report.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference and this action is summarily dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge

June 1, 2010
Columbia, South Carolina